

Lane Carter v. Jacque Derr
Lane Carter

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

* * * * *

LANE CARTER
LA. DOC #15199

CIVIL ACTION NO. 3:18-CV-00068

VS.

SECTION P

JUDGE TERRY A DOUGHTY

JACQUE DERR, ET AL MAGISTRATE JUDGE KAREN L. HAYES

* * * * *

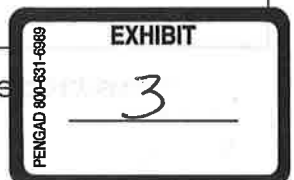
DEPOSITION OF

LANE CARTER

September 20, 2018

* * * * *

The deposition of LANE CARTER, was taken in
the above entitled cause, pursuant to the following
stipulations, before Rheba Eppinette Gwin,
Certified Court Reporter, State of Louisiana
Certificate No. 2010027, at the Jackson Parish
Correctional Center, 327 Industrial Drive,
Jonesboro, Louisiana 71251-5498, on Thursday, the
20th day of September 2018, beginning at 10:01
a.m., and concluding at 11:50 a.m.



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1 is responsible for the jail inside of the
2 courthouse. They take care of the bills.
3 They do things like that. So, I went against
4 them because it's their building that was
5 faulty.

6 Q In what way was it faulty?

7 A There's a shower in cell three -- and I can't
8 speak for any shower at the facility because I
9 was only in cell three that -- it's about a
10 foot off the ground and apparently -- I'm
11 assuming it doesn't drain because there are
12 milk crates down on the floor or as the floor,
13 which makes it sit up another, you know, three
14 or four inches. The milk crates had holes in
15 them and my foot went down in one and whenever
16 I reached down to pull my foot and my shoe
17 out, my other foot slipped and I flew
18 backwards and landed on the ground and I had -
19 - I had mentioned it to the guards. They knew
20 there was a problem there and they --

21 Q Do you know who put the milk crates down?

22 A Actually I was told by an inmate here that
23 when he was incarcerated in 2008 he put the
24 milk crates down initially. His name is Tony
25 Autry.

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1 Q He was another inmate?

2 A Yes, sir.

3 Q Do you know whether the milk crates -- and
4 we'll -- I'll show you some pictures of them
5 later -- were changed out from time to time?

6 A They weren't when I was there. I have no
7 other knowledge of --

8 Q When did you arrive at Winn Parish Jail?

9 A July 13th of 2017.

10 Q And when did you leave Winn Parish Jail?

11 A September 5th of 2017.

12 Q So, between -- so, we're talking almost two --
13 about seven weeks?

14 A Yes, sir.

15 Q The same milk crates were in cell -- the
16 shower in cell number three your entire time?

17 A Yes, sir.

18 Q At the bottom of the --

19 A Yes, sir.

20 MR. OXENHANDLER:

21 I'm going to show you what I'm going
22 to introduce as "Exhibit No. 1" and
23 that's just the copy of the -- your
24 complaints.

25 (Exhibit No. 1 is marked.)

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1 BY MR. OXENHANDLER:

2 Q It's not the whole complaint, it's just part -
3 - because it's quite long.

4 A Right.

5 Q See if you recognize this document.

6 A Okay.

7 MR. OXENHANDLER:

8 Shane, you catching everything?

9 Shane?

10 MR. BRYANT:

11 Yeah?

12 MR. OXENHANDLER:

13 You catching everything?

14 MR. BRYANT:

15 Yeah.

16 MR. OXENHANDLER:

17 Okay.

18 BY MR. OXENHANDLER: (witness answering)

19 A You just want me to look through this and make
20 sure it was mine, right?

21 Q Yes. Is this --

22 A Okay. Yes.

23 Q -- your -- is this your document?

24 A Yes. Yes. Yes. Yeah. I wrote all that,
25 yeah.

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1 MR. OXENHANDLER:

2 Pass that to the court reporter.

3 WITNESS:

4 (Witness so complies.)

5 MR. OXENHANDLER:

6 Thank you.

7 BY MR. OXENHANDLER:

8 Q Mr. Carter, were you ever previously
9 incarcerated at Winn Parish Jail before July
10 13th, 2017?

11 A Never. No, sir.

12 Q So, you had never taken a shower at Winn
13 Parish Jail before July 13th?

14 A No, sir.

15 Q Now, we received --

16 MR. OXENHANDLER:

17 And I'm going to introduce this as
18 "Exhibit No. 2."

19 (Exhibit No. 2 is marked.)

20 BY MR. OXENHANDLER:

21 Q -- some information from the Jackson Parish
22 Ambulance Service.

23 A This was included with the information I've
24 already received. Right?

25 Q Yes.

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1 **A** So, I've already seen this.

2 **Q** Yes. And if you could turn to -- this was
3 from the ambulance that took you from the jail
4 to the -- to the hospital on the 20th of
5 August. Correct?

6 **A** Yes, sir.

7 **Q** Is that when the ambulance came to pick you up
8 --

9 **A** Yes, sir.

10 **Q** -- on 8-20?

11 **A** Yes, sir.

12 **Q** If you go to right here -- that's right --
13 they wrote down some things that you had said
14 and if you start at where it says patient --
15 right about here, third line -- one, two,
16 three, right here. Patient says his flip flop
17 got hung in the grate and he fell out of the
18 shower backwards landing on his butt. Patient
19 complains of pain in his tail bone and low
20 back. Is that what you told the ambulance?

21 **A** If I'm not mistaken.

22 **Q** That?

23 **A** It's been over a year ago, so I'm pretty sure
24 if that's what they wrote down, that's what I
25 told them.

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1 Q So, does that accurately reflect what
2 happened?

3 A Yes, sir. Only -- only they say grate and it
4 wasn't a grate actually. Like I said, they
5 were literal milk crates cut in -- I assume
6 cut in half or cut in a quarter or whatever
7 they were.

8 Q They were plastic milk crates?

9 A Yes, sir. They were plastic milk crates and
10 they were zip tied together. There were four
11 of them.

12 Q Okay.

13 MR. OXENHANDLER:

14 Well, we were at the jail the other
15 day and took some pictures.

16 WITNESS:

17 Oh, that was you guys? I got told
18 when I got to court day before yesterday
19 that people were in there taking
20 pictures.

21 MR. OXENHANDLER:

22 This is going to be "Exhibit No. 3."
23 And this Exhibit No. 3 contains three
24 photos. Let me mark it --
25 (Exhibit No. 3 is marked.)

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1 WITNESS:

2 Oh, I'm sorry.

3 MR. OXENHANDLER:

4 -- while I'm sitting here. That's
5 okay. Our digit number one it's the
6 bottom right-hand corner and number two
7 and number three and this is from jail
8 cell number three.

9 BY MR. OXENHANDLER:

10 Q Do you recognize this photo?

11 A I mean, I've never seen the photo, but I mean
12 I --

13 Q No, but do you recognize --

14 A -- recog --

15 Q -- what's in the photo?

16 A Yeah. It looks like the shower at the jail.

17 Q Well, I'll represent to you this is the shower
18 in cell number three.

19 A Uh-huh.

20 Q Does this look familiar to you?

21 A Yeah. It looks disgusting, so yes.

22 Q Okay.

23 A The crates don't look the same. The crates
24 look new.

25 Q Would you agree with me that this is the

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1 shower stall that's intended for one person
2 only?

3 A Yes, sir.

4 Q Has -- did you ever go in there with more than
5 one person?

6 A Oh, no.

7 Q And how wide is the shower approximately? Do
8 you know?

9 A Let's see, I could stand in it and as long as
10 I didn't move I wouldn't touch the sides, so I
11 don't know exactly how wide I am, but -- and
12 you could -- you could turn a circle in it and
13 so --

14 Q So, you could -- you could rotate it and --

15 A Right, yes.

16 Q Was the shower higher than you? Correct? The
17 height of the shower is taller --

18 A Oh, yes, sir.

19 Q -- than you?

20 A Yes, sir.

21 Q If you go to number two, you'll see a picture
22 of the crates at the bottom and so please --
23 is this what you were talking about, the
24 plastic crates tied together with zip ties?

25 A Yes, sir.

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1 Q And you said that there was a hole in one?

2 A Yes, sir. It would have been --

3 Q Which hole?

4 A -- this one. It would have been the bottom
5 right crate. It would have been right there.

6 Q Front or back?

7 A Front.

8 Q Could you mark there -- on there for me if you
9 could --

10 A Right. Just circle on it or --

11 Q Yes, if you could.

12 A Somewhere in that area.

13 Q If you could just put your initials by the
14 outside of that. Maybe your initials over
15 here on the side here. Yeah.

16 A All right. There we go.

17 WITNESS:

18 Do I need to pass this on?

19 MR. OXENHANDLER:

20 No, not yet.

21 WITNESS:

22 Okay.

23 MR. OXENHANDLER:

24 Not yet.

25 BY MR. OXENHANDLER:

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1 Q And you said -- so, there was a hole. How big
2 was the hole?

3 A About yay -- I mean, it was pretty big. My
4 entire -- my foot and my shoe went down into
5 the hole. Actually the shoe went down in, my
6 toes went down in with it, but I mean, it was
7 big enough that my foot would go down in it.

8 Q How -- this accident occurred on August 20th?

9 A Yes, sir.

10 Q You took showers in the -- this shower before
11 August 20th?

12 A Yes, sir.

13 Q How many times did you take a shower?

14 A I mean --

15 Q Is it every day?

16 A -- I took -- no, I didn't take a shower every
17 day. Every other day or every third day.

18 Q Was the hole there the entire time?

19 A Uh-huh.

20 Q Is that a yes?

21 A Yes, sir. I'm sorry. I forgot. I'm sorry.

22 Q That's okay. That's a good example of --

23 A Right. I am so sorry.

24 Q No, that's all right. And what did you do?

25 Did you know that the hole was there?

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1 A I knew the hole was there.

2 Q So, how did you take a shower and not fall in?

3 A I tried to step around it.

4 Q So, you'd agree with me that the -- the
5 flooring that you stepped on in the shower on
6 August 20th and that you used during the time
7 you were at the Winn Parish Jail are looks
8 like four pieces of plastic milk crate that
9 are -- that are secured together with zip
10 ties?

11 A Correct.

12 Q What happened that you didn't see the hole on
13 August 20th?

14 A I'm not sure. I mean, I guess I was trying to
15 dry off -- it's a small space and my foot went
16 down in it. I just reached down to pull my
17 foot out of it. I mean, I'm pretty sure, you
18 know, my shoe had hung in it before, but when
19 I reached down to pull my foot out, my other
20 foot slipped because milk crates aren't
21 exactly slip resistant and I went backwards.

22 Q Well, which way were you facing this --

23 A I was facing the wall that --

24 Q The back --

25 A Like my back was to the opening.

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1 Q So, you were facing -- if you're looking at --

2 A If I'm looking at -- if you're --

3 Q -- that picture you're --

4 A -- looking at it, I'm facing that.

5 Q You're facing the back of the wall?

6 A Yes, sir.

7 Q The wall in front of -- the back side of the
8 shower?

9 A Yes, sir.

10 Q And you pulled your foot out and -- where was
11 your -- was it your right foot or your left
12 foot?

13 A It was my right.

14 Q And where was your left foot?

15 A Probably beside my right foot.

16 Q When you pulled it out, your left foot
17 slipped?

18 A I -- it slipped. I lost my footing.

19 Q And you fell backwards?

20 A Yes, sir.

21 Q Now, this grate was not built into the shower,
22 was it?

23 A No, sir. We had -- well, actually while I was
24 in the dorm -- I don't know if this matters or
25 not, but whenever it would just -- the odor

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1 and the smell from the shower would get so --
2 so powerful they would pull the crates out and
3 clean under them and then put the grates back
4 in there, so I know they weren't part of the
5 shower.

6 Q Was the hole in the -- in the right quadrant,
7 front quadrant of the -- of the shower floor
8 there the entire time that you were at Jackson
9 Parish -- I mean, Winn Parish Jail?

10 A I can't say that with all honesty because I
11 didn't notice it when I first got there. I'm
12 not saying it wasn't there, but I can't look
13 at you and with all honesty say yes, I know it
14 was there the entire time. I -- when I
15 noticed it of course then I can say it was
16 there and I noticed it two or three weeks
17 after I had been there maybe.

18 Q Did the -- and the grate covered the entire
19 floor of the --

20 A Shower. Yes, sir. The -- like I said, the
21 crates that were in there looked exactly like
22 these (indicating). They fit in there with
23 the exception the other ones were really,
24 really worn and I could be mistaken, but I
25 don't think the zip ties were white. I could

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1 Q Was there any soap on the floor that you can
2 recall?

3 A No.

4 Q The water was never above the grates though?

5 A Correct. Not while I was showering, no.

6 Q And you didn't need a hand rail to take a
7 shower, did you?

8 A No.

9 Q Is that no?

10 A No. I didn't. And actually, these grates
11 look a little lower than the other ones. I
12 mean, I can't see the depth on it as far as
13 how these poke up over the lip, but the other
14 crates, they -- they had a considerable amount
15 that they sat up above the lip of the shower.

16 Q Was it obvious to you that there was no hand
17 rails in the shower?

18 A Correct. If there -- and -- well, this is my
19 opinion. If there had been hand rails in the
20 shower there wouldn't have been any room for
21 us. That's how small it is in there.

22 Q So, it wasn't dangerous to take a shower
23 without hand rails?

24 A No. I don't -- literally the walls are right
25 here. If you needed -- and anyone will -- I

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1 yeah, I guess.

2 Q Most of the showers you have taken are without
3 hand rails?

4 A No. Every shower --

5 Q That's not --

6 A -- I've ever been in has had some form of hand
7 rail in it.

8 Q So, when you walked in the shower on August
9 20th, you knew that the right front grate had
10 a hole in it?

11 A Uh-huh.

12 MR. CALVIT:

13 That's a yes?

14 WITNESS:

15 Yes, I did.

16 BY MR. OXENHANDLER:

17 Q Yes?

18 A Sorry. Caught myself on that one.

19 Q What do you consider the maintenance at the
20 jail? You're talking about -- you said that
21 the maintenance of the jail cell was bad.
22 You're talking about the crates?

23 A I'm talking about the crates and the need to
24 put milk crates down on the floor of a shower
25 instead of the actual shower floor being used.

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1 schematics, I guess. I'm sorry, you were
2 saying? I didn't mean to interrupt you.

3 Q That's okay. You also allege in your
4 complaint that the police jury was liable
5 because it -- the failure to have the jail
6 updated with any assistance for injured
7 inmates. What --

8 A When I --

9 Q What does that mean?

10 A When I came back from the emergency room that
11 night, I was put into a cell by myself and,
12 you know, there was a bottom bunk, but the
13 next day they moved me back into, you know,
14 the general population -- the cell I was in,
15 cell three, the --

16 Q Cell --

17 A Yes, sir. There was no way for me to get -- I
18 had a top rack. There was no way for me to
19 get to the top rack. There were no rails for
20 me to use to, you know, brace myself with
21 other than the actual jail bars, but those
22 only ran in one line come through there. By
23 this time I was actually scared to go in the
24 shower and I didn't really want to touch it
25 again because there was nothing to help me

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1 step up into the shower and by then -- and to
2 go back, let me correct what I'm saying --
3 what I said earlier. Yeah, then I think they
4 needed to -- the rails in the shower just to
5 give me a little stability and I think I've
6 gotten off point here.

7 Q Did you take a shower after your fall on
8 August 20th in the same shower?

9 A Yes, I did.

10 Q Okay. And did you have any problems?

11 A Well, I -- when I took a shower I crouched
12 down. I was too scared I'd fall again.

13 Q But you had to step into the shower?

14 A Yeah. I had to step up into the shower.

15 Q And it was the same shower gra --

16 A The same things were --

17 Q -- same --

18 A -- still there.

19 Q -- same grates?

20 A They had just been turned.

21 Q So, are you -- is it your testimony the only
22 reason -- that the only cause of your fall
23 were the bad grates?

24 A That's correct.

25 Q And even though you were injured after your

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1 I think those are the only questions
2 I have, guys.

3 MR. CALVIT:

4 Sorry I let you down, Shane.

5 MR. OXENHANDLER:

6 I just have one follow-up question.

7 EXAMINATION

8 BY MR. OXENHANDLER:

9 Q The gap in the hole in the plastic floor that
10 was inserted into the shower, that was clear
11 and obvious to you whenever you took a shower?
12 You saw that hole?

13 A Yes. Eventually. I didn't -- like I said, I
14 don't know when it got there because I didn't
15 notice it the first few times I took a shower
16 and then I looked down one day and it was
17 there.

18 Q But every time afterwards you knew that that -
19 -

20 A Yeah.

21 Q -- hole was there?

22 A Well, it -- yeah, it was there.

23 Q Before --

24 A I mean, it couldn't go anywhere else. It was
25 there.